REMARKS

In the outstanding Official Action, the Examiner rejected claims 1, 3 and 5 under 35 U.S.C. § 102(e) as being anticipated by KANEKO et al. (JP 10-307025). Applicant respectfully traverses the above rejection and submits that it is inappropriate with respect to the claims pending in the present application. In particular, Applicant respectfully submits that the disclosure of the KANEKO et al. reference does not teach, explicitly or implicitly, the combination of features recited in each of Applicant's claims 1, 3 and 5.

The Examiner indicated claims 2, 4 and 6 are objected to for depending upon a rejected base claim. The Examiner, however, indicated that these claims would be allowable if rewritten into independent form including all the limitations of the base claim and any intervening claims.

In view of the reasons to be set forth herein for the patentability of independent claims 1, 3 and 5, Applicant respectfully declines to rewrite these claims into independent form. Nevertheless, Applicant notes the Examiner's indication with appreciation and obviously acquiescence in the indication that these claims define allowable subject matter. Applicant submits that these claims are allowable based on their own recitations, as indicated by the Examiner, as well as for their depending from an allowable independent claim as will be set forth herein.

In the outstanding Official Action, the Examiner asserted that KANEKO et al. discloses a target-image extractor that extracts the image of the target from the picture by detecting high luminance point areas each corresponding to the reference point areas of

the target. In this regard, the Examiner made reference to paragraph [0010]. The Examiner further asserted that KANEKO et al. discloses an image processor that processes the extracted image of the target to determine a two-dimensional position of each of the reference point areas of the target with respect to a 2-D picture coordinate system defined on the image. In this regard, the Examiner made reference to drawing 2 and paragraph [0017] of KANEKO et al.

Initially, Applicant notes that the KANEKO et al. reference relied upon by the Examiner was brought to the Examiner's attention in the Information Disclosure Statement filed in the present application on December 6, 2000. In particular, this document is assigned to PENTAX Corporation, the assignee of the present application, and is discussed in the paragraph bridging pages 1 and 2 of the present specification under the heading "Description of the Related Art". In particular, Applicant notes that the KANEKO et al. reference discloses the target that defines the standard measurement scale but does not disclose the image processing computer system recited in, e.g., claim 1 of Applicant's application.

Applicant respectfully submits that the Examiner is incorrect in his interpretation of KANEKO et al. and that the two cited paragraphs do not support the features for which the Examiner relies on these paragraphs. In particular, attached to the present Response, Applicant is submitting a translation of each of the above-noted paragraphs. As can be seen from the English language translation, paragraph [0010] does not relate to a target image extractor as recited in Applicant's, e.g., claim 1. In particular, as can be seen from the attached translation, paragraph [0010] only refers to the desirability of a

light detection means so that the amount of light emitted by the light source can be controlled in accordance with the amount of light detected by the light detecting means.

In direct contrast, Applicant's claim 1 recites "a target-image extractor that extracts the image of the target from the picture, by detecting high luminance point areas, each corresponding to one of the main and assistant reference point areas of the target". Paragraph [0010] contains no disclosure regarding an "extractor" or detecting of high luminance point areas which correspond to one of the main and assistant reference point areas of the target. Accordingly, for this reason alone, it is respectfully submitted that KANEKO et al. provides an inadequate and insufficient basis for rejecting any of the claims in the present application.

Regarding paragraph [0017], it is respectfully submitted that it does not disclose an image processor as recited in Applicant's claims. In this regard, Applicant notes that the image processor recited in, e.g., claim 1, "processes the extracted image of the target to determine a two-dimensional position of each of the main and assistant reference point areas of the target with respect to a two-dimensional picture coordinate system defined on the image".

As can be seen with respect to the enclosed translation, Figs. 2A and 2B of KANEKO et al. merely illustrate images captured from the two camera positions M1 and M2, respectively. First and second photographic coordinate axis systems are provided in each of Figs. 2A and 2B and the standard points P1, P2 and P3 are shown therein. There

is no indication that KANEKO et al. discloses an image processor that processes the extracted image of the target as recited in the combination of Applicant's, e.g., claim 1.

Accordingly, for this yet additional reason, it is respectfully submitted that the disclosure of KANEKO et al. is an inadequate and insufficient basis to render unpatentable any of the claims in the present application.

In addition to the above-noted explicit deficiencies of the disclosure of KANEKO et al., Applicant further notes that the reference points of KANEKO et al. are manually designated by a user. On the other hand, the present application includes a target image extractor and the structure related thereto. In particular, claim 1, for example, relates to an "image processing computer system". It is respectfully submitted that KANEKO et al. does not disclose an image processing computer system as recited in Applicant's claim 1. Accordingly, for each of the above-noted reasons and certainly for all of the above-noted reasons, it is respectfully submitted that the claims in the present application are clearly patentable over KANEKO et al. applied by the Examiner. An action to such effect is respectfully requested in due course.

Regarding claim 3, which is directed to an image processing method, Applicant respectfully submits that the manual system of KANEKO et al. does not include the extracting of the image or the processing of the extracted image as each recited in claim 3. Claim 5 relates to a memory medium storing an image processing program for programmatic analytical measurement. It is quite clear that KANEKO et al. does not disclose such a memory medium as recited therein. Accordingly, these claims are also

submitted to be patentable over the KANEKO et al. reference relied upon by the Examiner.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection together with an indication of the allowability of all the claims pending in the present application, in due course.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has traversed the Examiner's rejection and has shown the same to be inappropriate.

In particular, Applicant has discussed the disclosure of the reference relied upon by the Examiner and has pointed out the serious and significant shortcomings and deficiencies thereof with respect to the present invention. Applicant has further discussed the explicit features recited in Applicant's claims and has contrasted the same with the disclosure of the KANEKO et al. reference relied upon by the Examiner.

Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully requests an indication to such effect in due course.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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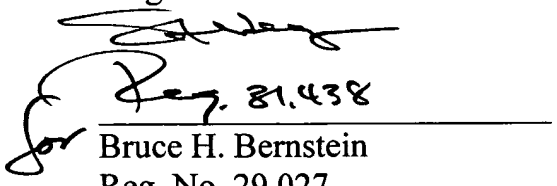

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Translation of Partial portions of Japanese Laid Open Publication 10-307025

(Literal Translation)

[0010] It is preferable that the point light source device includes a light detection means that detects a surrounding light amount, so that the emitting light amount of the light source is controlled according to the light amount detected by the light detection means.

[0017] Figs. 2 (a) and (b) illustrate images captured from two camera positions M1 and M2, respectively. In image 1 shown in Fig. 2 (a), the first photographic coordinate axes (x1, y1) are set on the image, the coordinate axes being 2D rectangular coordinate axes having imaging center c1 as an origin. The image point of standard point P1 in the first photographic coordinates axes is shown as p11 (px11, py11). Similarly, standard points P2 and P3 correspond to p12 (px12, py12) and p13 (px13, py13). In image 2 shown in Fig. 2 (b), the image points of standard points P1-P3 in the second photographic coordinate axes (x1, y1) are shown as p21 (px21, py21), p21 (px22, py22), and p23 (px23, py23), respectively.